

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**June 17, 1999**

## DIVISION ONE

B124723 People (Not for Publication)

V.

Luis Laureano and Francisco Medina

The judgments are affirmed.

Ortega, J.

We concur: Spencer, P.J.

Masterson, J.

B121986      Los Angeles County, D.C.F.S.      (Not for Publication)

V.

Louis F.

The order is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.

Masterson, J.

B122915 Deborah A. Smillie (Not for Publication)

V.

O'Flaherty &amp; Belgum et al.

We affirm the summary judgment. Defendants are awarded their costs.

Ortega, J.

We concur: Spencer, P.J.

Masterson, J.

## DIVISION ONE (Continued)

B120726 Jyotika Goel (Not for Publication)  
v.  
Citibank, F.S.B.

We reverse the order denying Citibank's motion for attorney fees. We direct the trial court to determine a reasonable fee award for an appropriate time period to be ascertained on remand. The parties are to bear their own costs.

Ortega, J.

We concur: Spencer, P.J.  
Masterson, J.

B118699 Roy E. Naftzger, Jr. (Not for Publication)  
v.  
American Numismatic Society

On Naftzger's appeal, we affirm the judgment. On ANS' cross-appeal, we remand and direct the trial court to permit ANS to amend its pleading to conform to proof on the Penal Code section 496, subdivision (c) claim. The trial court is further directed to devise a procedure for resolving that issue, including whether to take additional evidence, and determine the appropriate damage award. On remand of the section 496 claim, ANS is entitled to reasonable attorney fees, including on the cross-appeal, and costs, to be determined by the trial court. ANS is also awarded costs on the appeal and cross-appeal.

Ortega, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

## DIVISION ONE (Continued)

B120560      People                                (Not for Publication)  
v.  
George W. Cannon

We modify the judgment by striking the one-year enhancement imposed per Penal Code section 667.5, subdivision (b). The matter is remanded for the trial court to issue a new abstract of judgment and send same to the Department of Corrections. In all other respects, the judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

DIVISION TWO

B121230 People (Not for Publication)  
v.  
Taylor

The Court:

The judgment is affirmed.

Boren, P.J., Zebrowski, J., Mallano, J. (Assigned)

B121304 People (Not for Publication)  
v.  
Varnam

Appellant's sentence is vacated and the matter is remanded for resentencing in conformity with the views expressed herein.

Mallano, J. (Assigned)

We concur:   Boren, P.J.  
                      Nott, J.

DIVISION THREE

B115166 People (Certified for Partial Publication)  
v.  
LaStelley

The conviction for grand theft (Pen. Code, 487, subd. (a)) is reversed and the matter is remanded to provide the trial court with the opportunity to resentence. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Petersen, J. (Assigned)

B125874      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Mildred C.  
In re Ter-restsa C., a minor

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

B125534      Los Angeles County, DC.F.S.      (Not for Publication)  
v.  
Latesha H.  
In re Taprecia F., a minor

The judgment is affirmed.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

### DIVISION THREE (Continued)

[illegible]

The order under review is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

[illegible]

The judgment is modified to reflect the imposition of a \$200 restitution fine pursuant to Penal Code section 1202.45 and, as modified, is affirmed. The trial Court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the imposition of that fine.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

B122364 People (Not for Publication)  
v.  
Deandre R.

The order under review is modified by awarding an additional 30 days predisposition credit and, as modified, the order under review is affirmed. The juvenile court is directed to prepare an amended commitment order and to forward a certified copy thereof to the California Youth Authority.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

DIVISION THREE (Continued)

B125588      Chiang-Hway Chen et al.      (Not for Publication)

v.

Wayne L. Lin

Dynasty Escrow, Inc., et al.

The appeal is dismissed. The parties shall bear their own costs on appeal.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                 Aldrich, J.

B121107      Sally S. Mooney      (Not for Publication)

v.

Steeve Kay et al.

The judgment is reversed. Plaintiff shall recover her costs on appeal.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                 Petersen, J. (Assigned)

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J., Kuhl, J. (Assigned), and V. Guzman, Deputy Clerk.

B125681      Martinez and Tobar  
v.  
Cappac Plastic Products

Merits:

Argued by Steven J. Prough for respondent. Counsel for appellant having waived oral argument. Cause submitted.

DIVISION FOUR (Continued)

B117206 County of Los Angeles  
v.  
Polk

Merits:

Argued by Susan E. Skelding, deputy district attorney, for respondent and there being no appearance for appellant. Cause submitted.

B124370 Signal Treating Service, Inc.  
v.  
Lonrho, PLC

Merits:

Argued by L. Allan Songstad for appellant and by Jeffrey W. Shields for respondent. Cause submitted.

B128689 Stroud and Swain  
v.  
Los Angeles County Superior Court  
(People, r.p.i.)

Merits:

Argued by Dennis A. Fischer for petitioner Stroud and by John Hamilton Scott, deputy public defender, for petitioner Swain and by William Woods, deputy district attorney, for real party in interest. Cause submitted.

B130483 Department of Children and Family Services  
v.  
Superior Court  
(William K., r.p.i.)

Merits:

Argued by Gary P. Gross, deputy county counsel, for petitioner Amy Pellman for the minor and by Michael Theberge, deputy public defender, for real party in interest. Cause submitted.

DIVISION FOUR (Continued)

B122085     Imperial Bank  
              v.  
              Optiplast, Inc.

Merits:

Argued by Robert E. Canny for appellant by Peter Csato for respondent Imperial Bank and by Christine Pollard for respondent Michael D. Myers. Cause submitted.

B112036     Brownell et al.  
              v.  
              City of San Gabriel et al.

Merits:

Argued by Micheal V. Severo for appellants by Kendall Caudry for respondent City of San Gabriel and by Steven J. Renick for County of Los Angeles. Cause submitted.

B126506     American Continental Insurance Company  
              v.  
              American Casualty Company of Reading, PA.

Merits:

Argued by Ruben A. Castellon for appellant and by Terry C. Leuin for respondent. Cause submitted.

Court in recess.

The Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J., Kuhl, J. (Assigned), and V. Guzman, Deputy Clerk.

B123101     Soderberg et al.  
              v.  
              Cassiar Mining Corporation

Merits:

Argued by John Burton for appellant and by Deborah J. Clarke for respondent. Cause submitted.

DIVISION FOUR (Continued)



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B125869 Department of Family and Children Services  
v.  
Charles Jerome S.

Merits:

Argued by Harry Zimmerman for appellant and by Arezoo Pichvai, deputy county counsel, for respondent. Cause submitted.

B117338 Adelberg et al.  
v.  
Franchise Tax Board

Merits:

Argued by Anthony Sgherzi for appellants and no appearance having been made on behalf of respondent. Cause submitted.

B123101 Soderberg et al.  
v.  
Cassiar Mining Corporation

Merits:

Argued by Diane L. Abraham for appellants and no appearance having been made on behalf of respondent. Cause submitted.

B116070 Ehret et al.  
v.  
Congoleum Corporation

Merits:

Argued by Stephanie Rae Williams for appellant and by Charlotte E. Costan for respondent. Cause submitted.

B122179 Graphic Technologies Corporation  
v.  
Venkoren, Inc., et al.

Merits:

Argued by Richard T. Ferko for appellant and by Robert W. Cohen for respondent. Cause submitted.

## DIVISION FOUR (Continued)

B117633      Curtis et al.  
v.  
Kellogg & Andelson et al.

Merits:

Argued by Peter J. Pitchess for appellants by Daniel D. Kopman for respondent Kellogg & Andelson and by Mary G. Whitaker for respondents Cohen, Primiani & Foster. Cause submitted.

Each of the following:

B122806 People v. Padilla  
B120969 People v. Yanez  
B123517 People v. Mitchell  
B124448 People v. Flores  
B124806 People v. Parker  
B122585 People v. Phillips  
B121428 People v. Epps  
B116431 People v. Hardge

Argument waived, cause submitted.

Court Adjourned.

B122565	People v. Parker	(Not for Publication)
B126229	In re Parker on Habeas Corpus	

The judgment is modified to reflect a suspended parole revocation fine of \$200 and a laboratory analysis fee of \$50, and the superior court is directed to prepare an amended abstract of judgment to reflect these modifications and to state that appellant was convicted of violation of Health and Safety Code section 11377, subdivision (a). In all other respects, the judgment is affirmed. The petition for writ of habeas corpus is denied.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

DIVISION FIVE

B125594      Swaranjit Nijjar et al.      (Not for Publication)  
                 v.  
                 First Federal Bank of California

The judgment is affirmed. Respondents Swaranjit S. Nijjar and Patricia D. Nijjar, individually and as trustees of The Nijjar Family Trust U/D/T Dated August 14, 1985, are awarded their costs on appeal.

Grignon, J.

We concur:   Turner, P.J.  
                 Armstrong, J.

B117790      Beatriz Delgado      (Not for Publication)  
                 v.  
                 American Multi-Cinema, Inc.

The judgment is affirmed. Each side to bear its own costs on appeal.

Godoy Perez, J.

We concur:   Grignon, Acting P.J.  
                 Armstrong, J.

B122927      Miriam Arlyn Alu      (Not for Publication)  
                 v.  
                 Charles F. Nielsen et al.

The judgment is affirmed. Respondent to recover his costs on appeal.

Godoy Perez, J.

We concur:   Grignon, Acting P.J.  
                 Armstrong, J.

DIVISION FIVE (Continued)

B125486      Los Angeles County, D.C.F.S.      (Not for Publication)

v.

Savon D.

In re Treveon D.

The judgment is affirmed.

Turner, P.J.

We concur:   Grignon, J.  
                  Armstrong, J.

B124527      Los Angeles County, D.C.F.S.      (Not for Publication)

v.

Lorraine G., et al.

The judgment is affirmed.

Turner, P.J.

We concur:   Armstrong, J.  
                  Godoy Perez, J.

DIVISION SIX

B125622      Villenave      (Not for Publication)

v.

Summerplace at Hunter's Field HOA

The judgment is affirmed. Respondent is awarded costs on appeal.

Yegan, J.

We concur:   Gilbert, Acting P.J.  
                  Matz, J. (Assigned)

## DIVISION SIX (Continued)

B124771 People (Not for Publication)  
v.  
Luna

The clerk of the superior court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting a \$1000 parole revocation fine, a \$100 lab fee (§11372.5) and a \$300 drug program fee (§ 11372.7). As so modified, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.  
Matz, J. (Assigned)

B124613      People      (Not for Publication)  
v.  
Municipal Court of Santa Barbara  
Murray

The order dismissing the action is reversed and the matter is remanded for further proceedings consistent with this opinion.

Gilbert, Acting P.J.

We concur: Coffee, J.  
Matz, J. (Assigned)

B114080 People (Not for Publication)  
v.  
Ranieri

The sentence on count 1 is modified to 45 years to life. The sentence on count 2 remains stayed. In all other respects the judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

## DIVISION SIX (Continued)

B126010      Schulner                                  (Not for Publication)  
v.  
Bayer, et al.

The judgment is affirmed. Appellant shall bear costs on appeal.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Matz, J. (Assigned)

B120105      Mendez et al.      (Not for Publication)  
v.  
Brogdex Company

The judgments in favor of Propac and Brogdex against Mendez are reversed. The judgment in favor of Oxnard Lemon against Propac is reversed. Mendez is awarded costs on appeal against Propac and Brogdex. In the appeal and cross-appeal between Propac and Oxnard Lemon, each party is to bear its own costs.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

B127065      San Luis Obispo DPSS      (Not for Publication)  
v.  
James H.

The judgment is affirmed.

Matz, J. (Assigned)

We concur: Yegan, Acting P.J.  
Coffee, J.

### June 17, 1999-Continued

## DIVISION SIX (Continued)

B121607 People v. Sotelo (Not for Publication)

The judgment is affirmed.

Yegan, J.

We concur:    Gilbert, Acting P.J.  
                      Matz, J. (Assigned)

B125747 People (Not for Publication)  
v.  
Soto

The judgment is affirmed.

Yegan, J.

We concur:    Gilbert, Acting P.J.  
                      Matz, J. (Assigned)

## DIVISION SEVEN

B124302 People v. Protrhro (Not for Publication)

The judgment is modified to reduce defendant's good time/work time credit to 148 days and his total presentence custody credit to 447 days. The trial court is directed to amend the abstract of judgment accordingly and to forward a copy to the Department of Corrections. As modified, the judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

## DIVISION SEVEN (Continued)

B120774      Choice      (Not for Publication)  
v.  
Concorde-New Horizons Corporation

The summary judgment granted in favor of Concorde on Choice's cause of action, count 4, for wrongful termination is reversed and the superior court is directed to enter a new order denying Concorde's motion for summary judgment on that count and in all other respects the judgment is affirmed. Each party to bear its own costs on appeal.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.

B126075 Transaction Companies, Ltd. (Not for Publication)  
v.  
Building Analytics & Jones Cooper & Associates, Inc.

The summary judgment is reversed and on remand the trial court is directed to deny Building Analytics' motion for summary judgment and to grant Transaction's motion to file second amendment to complaint. Transaction is entitled to costs on appeal.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

B126359 Kim F. (Not for Publication)  
v.  
Los Angeles Dept. of Children & Family Services  
In Re Quanae G.

The order is reversed.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.